

MR. FIELDS of Texas: Mr. Chairman, I demand a recorded vote.

THE CHAIRMAN: Pursuant to House Resolution 401, further proceedings on the amendment offered by the gentleman from Maryland will be postponed until after further proceedings on the amendment offered by the gentleman from Tennessee [Mr. Gordon].

Pursuant to Resolution 401, proceedings will now resume on those amendments on which further proceedings were previously postponed and in the following order: Amendment No. 37, offered by the gentleman from Tennessee [Mr. Gordon], and then amendment No. 39, offered by the gentleman from Maryland [Mr. Wynn].

The Chair announces that in the event votes are ordered, the Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

§ 56. Postponed Proceedings and the Quorum Rule

Effect of Announcement of Absence of Quorum on Chair's Authority To Postpone Vote

§ 56.1 Where the absence of a quorum has been announced and an automatic vote ordered under Rule XV clause 4, the House may not, even by unanimous consent, conduct any business in the announced absence of a quorum.

The Speaker's authority to postpone a vote taken in the House may not be exercised after a record vote has begun or once the absence of a quorum has been announced. The proceedings of July 13, 1983,⁽¹¹⁾ are illustrative. On that date, a vote on the Speaker's announced approval of the Journal was objected to on the ground that a quorum was not present. The Speaker declared that a quorum was indeed not present and directed an "automatic" call of the roll under Rule XV clause 5. When the electronic system then failed, an attempt was made to vacate the demand so that the House would not have to settle the question by using the time-consuming back-up device of having the Clerk call the roll. The proceedings were as follows:

THE SPEAKER:⁽¹²⁾ The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MR. [BILL] ARCHER [of Texas]: Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

THE SPEAKER: The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

11. 129 CONG. REC. 18844, 98th Cong. 1st Sess.

12. Thomas P. O'Neill, Jr. (Mass.).

MR. ARCHER: Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

THE SPEAKER: Evidently a quorum is not present.

THE SPEAKER PRO TEMPORE:⁽¹³⁾ The Chair would like to make an announcement.

The Chair has been advised that the electronic voting system is at the present time not operable.

Until further notice, therefore, all votes and quorum calls will be taken by the stand-by procedures which are provided for in the rules.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The Clerk proceeded to call the roll.

MR. [WILLIAM] CARNEY [of New York] (during the rollcall): Madam Speaker, may I make a parliamentary inquiry?

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. CARNEY: Would it be possible to take the vote on the Journal by a voice vote at this time? Could we make a unanimous-consent request to take the Journal vote by a voice vote?

THE SPEAKER PRO TEMPORE: Under the rule, the yeas and nays must be taken. Since the absence of a quorum has been disclosed, no unanimous-consent business can be transacted.

MR. [WILLIAM R.] RATCHFORD [of Connecticut]: Madam Speaker as a parliamentary inquiry, may I ask, is it possible under the rules to delay the vote?

THE SPEAKER PRO TEMPORE: The Chair is advised that it is not now pos-

sible to postpone the vote which has been commenced, and since the absence of a quorum has been announced by the Chair.

Point of No Quorum Considered as Withdrawn Where Vote Is Postponed

§ 56.2 Pursuant to Rule XV clause 6(e), which prohibits the Speaker from entertaining a point of no quorum unless he has put the question on the pending proposition, the Speaker announces, after postponing a vote on a motion to suspend the rules where objection has been made to the vote on the ground that a quorum is not present, that the point of order is “considered as withdrawn” since the Chair is no longer putting the question, and a Member may not insist on the point of order that a quorum is not present.

Before the adoption on Jan. 4, 1977,⁽¹⁴⁾ of Rule XV clause 6(e), which prohibits the Speaker from entertaining a point of no quorum unless the Speaker has put the pending question to a vote, it was possible to have a call of the House after the Speaker had exercised his authority to postpone further consideration of a suspension motion. The Speaker customarily

13. Barbara Boxer (Calif.).

14. 123 CONG. REC. 70, 95th Cong. 1st Sess.

asked if the Member making the point of no quorum if he or she would withdraw it. Such quorum calls, even though taken by electronic device, were often time-consuming and interrupted the consideration of motions to suspend the rules. An illustration of the practice followed before adoption of clause 6(e) is found in the proceedings of Oct. 20, 1975:⁽¹⁵⁾

THE SPEAKER PRO TEMPORE:⁽¹⁶⁾ The question is on the motion offered by the gentlewoman from New York (Ms. Abzug) that the House suspend the rules and pass the bill H.R. 9924, as amended.

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I demand a recorded vote.

A recorded vote was refused.

Mr. Bauman: Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

THE SPEAKER PRO TEMPORE: Pursuant to the provisions of clause 3(b) of rule XXVII and the prior announcement of the Chair, further proceedings on this motion will be postponed.

Does the gentleman from Maryland withdraw his point of order that there is no quorum?

MR. BAUMAN: Before I do, Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. BAUMAN: Mr. Speaker, the Chair announced that 28 Members asked for a recorded vote. Is it not one-fifth of the membership present?

THE SPEAKER PRO TEMPORE: The Chair would advise the gentleman that under clause 5 of rule I, on a recorded vote, one-fifth of a quorum, or 44 Members is required in the House. If the gentleman had asked for the yeas and nays, then it would have been one-fifth of those present. The gentleman asked for a recorded vote.

MR. [JOHN M.] ASHBROOK [of Ohio]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. ASHBROOK: Mr. Speaker, is it too late to ask for the yeas and nays?

THE SPEAKER PRO TEMPORE: It is at this time. The objection has been made to the vote on the ground that a quorum is not present, and the Chair has stated that under the rule, further proceedings have been postponed.

Will the gentleman from Maryland withdraw his point of order that there is no quorum?

MR. BAUMAN: No, Mr. Speaker.

THE SPEAKER PRO TEMPORE: Evidently a quorum is not present.

Without objection, a call of the House is ordered.

There was no objection.

Since the amendment to Rule XV which became effective in the 95th Congress,⁽¹⁷⁾ the following procedure is customary:⁽¹⁸⁾

THE SPEAKER PRO TEMPORE:⁽¹⁹⁾ The question is on the motion offered by the gentleman from New York (Mr. Murphy) that the House suspend the

15. 121 CONG. REC. 33004, 33005, 94th Cong. 1st Sess.

16. John J. McFall (Calif.).

17. 123 CONG. REC. 70, 95th Cong. 1st Sess., Jan. 4, 1977.

18. 123 CONG. REC. 14785, 95th Cong. 1st Sess., May 16, 1977.

19. John Brademas (Ind.).

rules and pass the bill H.R. 3849, as amended.

The question was taken.

MR. [RONALD M.] MOTTLE [of Ohio]: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

MR. MOTTLE: Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

THE SPEAKER PRO TEMPORE: Pursuant to the provisions of clause 3(b) of rule XXVII, and the prior announcement of the Chair, further proceedings on this motion will be postponed.

The point of order is considered withdrawn.

The Speaker does have complete discretion to recognize for a motion for a call of the House. If a call is necessary between suspension motions, or indeed between any series of matters where the votes are being postponed, the Speaker can recognize for such a motion. Rule XV clause 6(e)(2),⁽²⁰⁾ which bestows this discretion, is as follows:

Notwithstanding subparagraph (1), it shall always be in order for a Member to move a call of the House when recognized for that purpose by the Speaker, and when a quorum has been established pursuant to a call of the House, further proceedings under the call shall be considered as dispensed with unless the Speaker, in his discretion, recognizes for a motion under clause 2(a) of this rule or for a motion to dispense with further proceedings under the call.

The proceedings of Sept. 24, 1979,⁽¹⁾ are illustrative of the

20. *House Rules and Manual* §774d (1995).

1. 125 CONG. REC. 25876, 96th Cong. 1st Sess.

Speaker's exercise of this discretion when he refused to recognize a Member moving a call of the House after a suspension motion had been postponed.

THE SPEAKER PRO TEMPORE:⁽²⁾ The question is on the motion offered by the gentleman from Alabama (Mr. Nichols) that the House suspend the rules and pass the bill, H.R. 5168.

The question was taken.

MR. [JOHN M.] ASHBROOK [of Ohio]: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

MR. ASHBROOK: Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

THE SPEAKER: Pursuant to clause 3 of rule XXVII and the Chair's prior announcement, further proceedings on this motion will be postponed.

MR. ASHBROOK: Mr. Speaker, I insist on my point of order.

THE SPEAKER PRO TEMPORE: The point of order is considered withdrawn. The question is no longer pending.

MR. ASHBROOK: Mr. Speaker, I move a call of the House.

THE SPEAKER PRO TEMPORE: The Chair did not recognize the gentleman for that purpose.

Objection to Vote on Ground of No Quorum Takes Precedence of Point of No Quorum

§ 56.3 Where a Member makes a point of no quorum when a

2. John J. Cavanaugh (Neb.).

question is put by the Speaker, as permitted by Rule XV clause 6(e), another Member may, pending the Speaker's count of the House, object to the vote on the basis that a quorum is not present under clause 4 of that rule, thereby permitting the Speaker to postpone further proceedings on the question which has the effect of mooting the point of no quorum, there no longer being a pending question to put to a vote.

Clause 6(e) of Rule XV, which prohibits the Speaker from entertaining a point of no quorum unless a pending question is put to a vote, was adopted in the first session of the 95th Congress.⁽³⁾ Later in that same session, during consideration of a series of motions to suspend the rules, a division of the House was requested when the Speaker put the question on the adoption of one of the motions. The Chair's count of those supporting and opposing the motion was less than a quorum, and Mr. John M. Ashbrook, of Ohio, then objected to the vote on the ground that a quorum was not present. Subsequent proceedings were as follows:⁽⁴⁾

3. H. Res. 5, 123 CONG. REC. 54, 95th Cong. 1st Sess., Jan. 4, 1977.

4. 123 CONG. REC. 31048, 95th Cong. 1st Sess., Sept. 27, 1977.

THE SPEAKER PRO TEMPORE:⁽⁵⁾ The question is on the motion offered by the gentleman from New York (Mr. Solarz) that the House suspend the rules and agree to the resolution (H. Res. 724) as amended.

The question was taken; and on a division (demanded by Mr. Ashbrook) there were—ayes 38, noes 0.)

MR. ASHBROOK: Mr. Speaker, I make the point of order that a quorum is not present.

THE SPEAKER PRO TEMPORE: Does the gentleman from Ohio (Mr. Ashbrook) object to the vote on the ground that a quorum is not present?

MR. ASHBROOK: No. Under article I of the Constitution, which requires a quorum be present for the conduct of business, I make the point of order that a quorum is not present.

MR. [STEPHEN J.] SOLARZ [of New York]: Mr. Speaker, I ask for a vote on the resolution.

THE SPEAKER PRO TEMPORE: Does the gentleman from New York (Mr. Solarz) object to the vote on the ground that a quorum is not present?

MR. SOLARZ: No objection.

MR. [TENNYSON] RONCALIO [of Wyoming]: Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

THE SPEAKER PRO TEMPORE: Pursuant to clause 3 of rule XXVII, and the Chair's prior announcement, further proceedings on this motion will be postponed.

MR. ASHBROOK: Mr. Speaker, I insist on my point of order that a quorum is not present, as required under the

5. John P. Murtha (Pa.).

Constitution, for the conduct of business.

THE SPEAKER PRO TEMPORE: The Chair will inform the gentleman that further proceedings have been postponed, there is no longer a pending question being put to a vote, and under clause 6(e), rule XV, the point of order is not now in order.

MR. ASHBROOK: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state his parliamentary inquiry.

MR. ASHBROOK: Mr. Speaker, the Chair counted the House not more than 1 minute ago and found that not even 40 Members were present. I do not think any Member was present who did not stand. There was clearly not a quorum present.

I want the record to show that I object to that. I think my rights and responsibilities as a Member of Congress have been diluted by this rule, and I want to object to further proceedings because there is not a quorum present, as required by the Constitution.

Mr. Speaker, I make a point of order to that effect.

THE SPEAKER PRO TEMPORE: The Chair will inform the gentleman that the Chair merely counted a division vote, and did not count the House.

Withdrawal of Objection To Vote on Ground That Quorum Not Present To Permit Demand for Yeas and Nays

§ 56.4 Where a Member objects to a vote on a motion to suspend the rules on the ground

that a quorum is not present, and the vote is then postponed under the rule, it is too late to demand the yeas and nays (until that motion is again before the House as unfinished business) unless, by unanimous consent, the proceedings are vacated so the questions remain pending before the House.

Where the yeas and nays are ordered before the Speaker exercises his authority to postpone a vote, that order remains valid when the question again is before the House as the pending or unfinished business. An illustration of this principle is found in the proceedings of Mar. 15, 1976,⁽⁶⁾ as shown below:

THE SPEAKER PRO TEMPORE:⁽⁷⁾ The question is on the motion offered by the gentleman from North Carolina (Mr. Taylor) that the House suspend the rules and pass the bill H.R. 7743, as amended.

The question was taken.

MR. [JOHN M.] ASHBROOK [of Ohio]: Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

THE SPEAKER PRO TEMPORE: Pursuant to the provisions of clause 3 of rule XXVII, the Chair's prior announce-

6. 122 CONG. REC. 6417, 6418, 94th Cong. 2d Sess.

7. John J. McFall (Calif.).

ment, further proceedings on this motion will be postponed.

Does the gentleman from Ohio withdraw his point of order of no quorum?

MR. ASHBROOK: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. ASHBROOK: Mr. Speaker, is the Chair putting the question on the bill?

THE SPEAKER PRO TEMPORE: The Chair would state that the vote has been put over, on the strength of the gentleman's point of order. We would have to have a quorum call if the gentleman does not withdraw his point of order at this time.

MR. ASHBROOK: Mr. Speaker, it is my understanding it could be called and we might not have a vote on it. Is that not correct?

THE SPEAKER PRO TEMPORE: That is correct. The gentleman could have asked for the yeas and nays to order a rollcall vote.

MR. ASHBROOK: Mr. Speaker, I demand the yeas and nays.

THE SPEAKER PRO TEMPORE: The gentleman should first ask unanimous consent to vacate the previous proceedings under which the vote was postponed by his point of order? Does the gentleman make that request?

MR. ASHBROOK: Yes, Mr. Speaker.

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from Ohio?

There was no objection.

MR. ASHBROOK: Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

THE SPEAKER PRO TEMPORE: Pursuant to clause 3 of rule XXVII and the Chair's prior announcement, further

proceedings on this motion will be postponed.

Where Speaker Authorizes Postponement of Vote, Opportunity To Demand Yeas and Nays Deferred

§ 56.5 Where the vote on a motion is postponed because objection to the voice vote is based upon the absence of a quorum, it is then too late to demand the yeas and nays. When the postponed question is later put de novo, the yeas and nays or a recorded vote can then be demanded.

On May 15, 1984,⁽⁸⁾ a motion to suspend the rules was put to a voice vote. The proceedings were then as indicated:

THE SPEAKER PRO TEMPORE:⁽⁹⁾ The question is on the motion offered by the gentleman from Kentucky (Mr. Perkins) that the House suspend the rules and pass the bill, H.R. 5345.

The question was taken.

MR. [CARL D.] PERKINS [of Kentucky]: Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

THE SPEAKER PRO TEMPORE: Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

8. 130 CONG. REC. 12240, 98th Cong. 2d Sess.

9. Wyche Fowler, Jr. (Ga.).

The point of order of no quorum is considered withdrawn.

MR. PERKINS: Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill just under consideration.

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from Kentucky? . . .

MR. [WILLIAM F.] GOODLING [of Pennsylvania]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state his parliamentary inquiry.

MR. GOODLING: Mr. Speaker, I was going to demand the yeas and nays and did not hear the question put. I would like to demand the yeas and nays.

THE SPEAKER PRO TEMPORE: The Chair put the question. There was an objection for lack of a quorum. Under the previous announcement, that vote has been postponed until all suspensions are considered.

MR. GOODLING: There will be a record vote?

THE SPEAKER PRO TEMPORE: There will be an opportunity for a record vote at that time.

May the Chair clarify once more to the gentleman from Pennsylvania, that question will be decided when the question is out *de novo* at that time as to whether or not a quorum is present.

MR. GOODLING: That is why I wanted the yeas and nays.

Putting Deferred Questions De Novo

§ 56.6 Where a vote is objected to on the ground that a

quorum is not present, and the Speaker then chooses to postpone the vote by exercising his authority under Rule I clause 5, the point of no quorum is considered as withdrawn (no question then remaining before the House) and the question is later put *de novo* by voice vote as unfinished business.

Where a suspension motion was under consideration and the Speaker put the question to a voice vote, Mr. Robert S. Walker, of Pennsylvania, first asked for the yeas and nays, but before the Speaker had counted those standing to support the demand, the demand was withdrawn. Mr. Walker then objected to the vote under Rule XV clause 4, and the Speaker postponed the vote. The proceedings were as carried below: ⁽¹⁰⁾

THE SPEAKER PRO TEMPORE: ⁽¹¹⁾ The gentleman from Pennsylvania demands the yeas and nays.

MR. WALKER: Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

THE SPEAKER PRO TEMPORE: Pursuant to clause 5, rule I, and the Chair's prior announcement, further pro-

10. 131 CONG. REC. 35589, 99th Cong. 1st Sess., Dec. 10, 1985.

11. Thomas R. Carper (Del.).

ceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

MR. WALKER: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. WALKER: Mr. Speaker, has a vote been ordered on the measure?

THE SPEAKER PRO TEMPORE: The Chair will state that the gentleman from Pennsylvania withdrew his demand for the yeas and nays and the vote has been postponed until the conclusion of the other two suspensions at which time the vote will be de novo and a record vote could be ordered.

Putting the Question De Novo on Postponed Vote

§ 56.7 Where a Member withdraws his objection to a voice vote on an amendment on the ground that a quorum is not present and the House then agrees by unanimous consent to postpone further proceedings to a future day, the question on adoption of the amendment is put de novo on that future day, and a roll call vote is not automatic at that time.

On Mar. 23, 1953,⁽¹²⁾ the House entertained consideration of a bill (H.R. 3655) to provide for the con-

trol of alcoholic beverages in certain clubs in the District of Columbia and for other purposes. In the course of the bill's consideration, Mr. Wayne L. Hays, of Ohio, demanded a separate vote on a particular amendment. There being no other requests for separate votes, the remaining amendments were put en gross, and agreed to.

THE SPEAKER⁽¹³⁾ then directed the Clerk to report the amendment on which a separate vote had been demanded. The Clerk read the proposal, the question was put and taken; and the Speaker announced that the ayes appeared to have it. Mr. Hays then objected to the vote on the ground that a quorum was not present.

At this point, Mr. Carroll D. Kearns, of Pennsylvania, urged Mr. Hays to withhold his objection to the vote on the amendment. Mr. Kearns pointed out that a vote on other legislation was withheld and carried over as the first order of business on the next Wednesday pursuant to the request of the majority party. He suggested, accordingly, that the amendment be voted on as the second order of business on that Wednesday.

The following proceedings then occurred:

THE SPEAKER: The Chair will state that that will not jeopardize the gentleman's rights.

MR. HAYS of Ohio: I have no objection, Mr. Speaker.

THE SPEAKER: Without objection, further proceedings in connection with

12. 99 CONG. REC. 2251, 2252, 83d Cong. 1st Sess.

13. Joseph W. Martin, Jr. (Mass.).

the amendment and the bill will be postponed until Wednesday next.

There was no objection.

MR. KEARNS: Mr. Speaker, the Committee on the District of Columbia has no further business for today.

MR. HAYS of Ohio: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. HAYS of Ohio: Mr. Speaker, am I correct in saying that the second order of business on Wednesday next will be a rollcall on this amendment.

THE SPEAKER: Not a rollcall; it will be a vote on the amendment.

MR. HAYS of Ohio: Mr. Speaker, I made the point of order that a quorum was not present, and under those circumstances the rollcall is automatic. I will not agree to any withholding of it unless there is a rollcall, because a rollcall is automatic. I think the Speaker will agree that a quorum is not present now.

THE SPEAKER: The gentleman is mistaken in his impression. Today a rollcall would be automatic, but not on Wednesday, unless the House so orders.

MR. HAYS of Ohio: I do not want to agree to anything like that, Mr. Speaker.

THE SPEAKER: It has already been agreed to. The gentleman has forfeited any rights he might have. I am very sorry if he did not understand the situation.

§ 57. Reduced Voting Time

Speaker's Authority—Rescinding Announced Intention To Reduce Voting Time on Passage

§ 57.1 The utilization of the authority bestowed by Rule XV clause 2(c) to reduce the voting time on passage of a bill to five minutes, following a 15-minute vote on a motion to recommit, is completely within the Chair's discretion; and he may rescind his announced decision to reduce the time at any time before the vote commences.

An illustration of the Chair's exercise of his discretion is found in the proceedings of Sept. 29, 1993.⁽¹⁴⁾

THE SPEAKER PRO TEMPORE:⁽¹⁵⁾ Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

THE SPEAKER PRO TEMPORE: The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

14. 139 CONG. REC. p. _____, 103d Cong. 1st Sess. Under consideration was H.R. 2401, the Department of Defense Appropriations Act for Fiscal Year 1994.

15. Michael R. McNulty (N.Y.).